



House of Commons  
Education Committee

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**Into independence, not  
out of care: 16 plus  
care options:  
Government Response  
to the Committee's  
Second Report of  
Session 2014–15**

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**Third Special Report of Session  
2014–15**

*Ordered by the House of Commons  
to be printed 15 October 2014*

**HC 738**  
Published on 20 October 2014  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Education and its associated public bodies.

### Current membership

Mr Graham Stuart MP (*Conservative, Beverley and Holderness*) (Chair)

Neil Carmichael MP (*Conservative, Stroud*)

Alex Cunningham MP (*Labour, Stockton North*)

Bill Esterson MP (*Labour, Sefton Central*)

Pat Glass MP (*Labour, North West Durham*)

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Mr Dominic Raab MP (*Conservative, Esher and Walton*)

Mr David Ward MP (*Liberal Democrat, Bradford East*)

Chris Whittaker MP (*Conservative, Calder Valley*)

Chris Skidmore MP (*Conservative, Kingswood*) was also a Member of the Committee for this inquiry.

### Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/education-committee](http://www.parliament.uk/education-committee).

### Committee staff

The current staff of the Committee are Dr Lynn Gardner (Clerk), Lloyd Owen (Second Clerk), Martin Smith (Committee Specialist), Claudia Sumner (Committee Specialist), Ameet Chudasama (Senior Committee Assistant) and Michael Everett (Committee Assistant).

### Contacts

All correspondence should be addressed to the Clerk of the Education Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 1333; the Committee's email address is [educom@parliament.uk](mailto:educom@parliament.uk)

# Third Special Report

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On 17 July 2014 we published our Second Report of Session 2014-15, Into independence, not out of care: 16 plus care options.<sup>1</sup> The Government response was received on 9 October 2014 and is published as an Appendix to this Special Report.

## Government response

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### *Introduction*

The government is grateful to the Select Committee for its thorough scrutiny of the services provided to care leavers, to support their transition to adulthood and independence.

Improving the lives of care leavers is a priority for the government. We believe that fewer young people should leave care before the age of 18 unless there are exceptional circumstances. To support that approach, in May 2014, we introduced a duty on local authorities to enable young people to continue to live with their former foster carers beyond the age of 18, known as ‘Staying Put’ arrangements. This means that those young people who remain in foster care can experience the stability and security of family life enjoyed by their peers.

We also recognise that care leavers require support on the full range of issues that affect their lives, and the importance, therefore, of a coherent approach to planning services for them. That is why, in October 2013, we published the Care Leaver Strategy, which set out for the first time what different departments across government would do to better support care leavers. The strategy covers accommodation, welfare reform, education and employment, and will help to ensure that the needs of care leavers are considered in the round. We will shortly be publishing a ‘one year on’ report, which will include an update on how each department has delivered on the commitments set out in the strategy.

It is critically important that the voice of the care leaver influences the design and delivery of the services provided for them. I meet regularly with groups of looked-after children and care leavers to listen to their concerns, and to better understand how they want the care system to support them. I am delighted that ministers from other departments are also engaging directly with care leavers to hear about their experiences. For example, in May 2014, members of a care leaver group spoke to ministers on the Social Justice Cabinet Committee about their lives and the day-to-day difficulties they face.

The improved support we are providing for care leavers is designed to deliver long-term, sustainable improvements to the services they receive. We will, however, continue to look at new and creative approaches, in particular through the projects funded by the Children

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<sup>1</sup> [Education Committee, Second Report of Session 2014-15, Into independence, not out of care: 16 plus care options, HC 259](#)

Social Care Innovation Programme, which is providing £30 million in 2014-15 and a much larger amount in 2015-16 to drive further innovation in children's social care.

In order to better understand the impact of our policies, we want to know more about the care leaver's journey as they move towards adulthood and beyond. We are collecting more information on young people's destinations as they leave care. For example, in addition to data on 19-year-old care leavers, we are collecting data on 20- and 21-year-olds. From 2016, we will also collect data on 17- and 18-year-old care leavers.

The measures described above show that the government has a strong track record in helping to improve the life chances of care leavers. The Committee's report makes a number of helpful recommendations, to which we have given careful consideration. Detailed responses to each of the recommendations in the Committee's report are to be found on the following pages.

## Response to recommendations

### *Planning, preparation and having a voice*

**Recommendation 1: The Department for Education (DfE) must ensure that looked-after young people approaching independence are fully and effectively informed of their rights and entitlements and given a genuine choice of accommodation; and the DfE must do more to ensure and monitor the take up of best practice amongst local authorities. (Paragraph 24)**

We agree that all care leavers should be fully informed about their rights and entitlements. The Minister for Children and Families wrote to all Lead Members and Directors of Children's Services in June 2013 to remind them of the importance of regularly reviewing and improving the information on entitlements they provide to their children. We have also published a list of key entitlements on the government's website ([www.gov.uk/leaving-foster-or-local-authority-care](http://www.gov.uk/leaving-foster-or-local-authority-care)) and promoted this via our quarterly Children in Care Council newsletter.

Ofsted monitors local authority performance on this issue, and has been active in challenging poor practice. For example, its report on Slough (2014) urged the local authority to "ensure that comprehensive and up-to-date information is made available to all care leavers about their rights and entitlements, particularly in relation to housing, education and financial support".

Following changes introduced by the Children and Families Act (2014), the Children's Commissioner has been given a new power to provide 'advice and assistance' to individual children who are in receipt of social care services. This enables the Commissioner to make representations on behalf of care leavers if they believe that the child's rights have been infringed.

However, the Committee is right to urge continued focus on this issue. Having reflected on the Committee's report, we are currently strengthening the Care Planning, Placement and Case Review Statutory guidance so that social workers routinely make young people aware

of information about rights and entitlements, and not just on entry to care. We will send the Committee a copy of the revised guidance once it is published.

### ***The importance of stable relationships***

**Recommendation 2: We recommend that the DfE clarify and strengthen guidance to the effect that local authorities must consider, as a first option, appointing an existing carer or other professional with whom a young person has an established relationship as a Personal Adviser, and involve the young person in this decision. Wherever possible, the same Personal Adviser should offer consistent support throughout a young person's preparation for and transition to independence. (Paragraph 31)**

As the Committee's report sets out, the Planning Transition to Adulthood guidance already makes clear that local authorities may delegate some or all of the Personal Adviser (PA) role to a social worker or foster carer, and that it would be good practice for the young person to maintain the same PA from the age of 18 that they had when they were 16 or 17.

We remain of the view that the guidance is sufficiently clear, and the question is one of practice. The Select Committee's report has helpfully raised the profile of this issue, and the Minister for Children and Families gave a clear statement of his view that the 'Personal Adviser' is a function rather than a specific person who is appointed. We expect that this will encourage local authorities to use the flexibility that is provided by the regulatory framework. We will continue to review this area, and will ask the Association of Directors of Children's Services (ADCS) and the Local Government Association (LGA) for their views on the function of the PA.

**Recommendation 3: The pathway planning guidance must be altered so as specifically to include relationships with siblings. We recommend that the DfE review how well pathway planning guidance fulfils its purpose to encourage, develop and sustain positive and stable family and social relationships. (Paragraph 38)**

We agree with the Committee's recommendation, and have amended the statutory guidance to add a specific reference to siblings.

The section now reads 'Pathway Plans should address contact with the young person's parents, wider family including siblings and friends and the capacity of this network to encourage the young person and enable them to make a positive transition to adulthood.' The updated guidance can be viewed at: [www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers](http://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers) (page 21).

### ***'Other arrangements': Suitability, regulation and inspection***

**Recommendation 4: We recommend that the DfE consult on a framework of individual regulatory oversight for all accommodation provision that falls within the category 'other arrangements' to ensure suitability while allowing for continuing diversity of provision. (Paragraph 55)**

We agree that the quality of supported accommodation varies across the country. Some is excellent, and provides care leavers with the support they need to make the transition into

adulthood. In other areas it can be poor. However, we share the reservations expressed by Catch 22 in its evidence to the Committee, which questioned whether more regulation in this area would result in better accommodation and support. It would also be very expensive to introduce a regulated framework, both for government and for providers.

We believe it is better to maintain the flexibility of the current arrangements, whilst ensuring local authorities are held sharply to account for the quality of the accommodation they provide. All Ofsted inspections cover the quality of accommodation for care leavers, and they challenge poor practice when they find it; earlier this year, for example, highlighting the concerns of young people in Slough around the safety of the housing options open to them. The government will continue to monitor local authorities' performance in this area, and tackle poor practice where this is highlighted by the new inspection framework.

### ***Use of bed and breakfast***

**Recommendation 5A: We recommend that the DfE consult urgently with local authorities on a reasonable timeframe in which to introduce a total ban on the use of B&Bs, alongside a strengthened requirement for local authorities to commission sufficient alternative emergency facilities. We also recommend that the DfE look further into models of emergency provision, such as that in Wiltshire, and consider contingency carers, as one way to mitigate the possible negative consequences of banning B&Bs. In the meantime, while setting up and running the consultation, the DfE should reiterate the message that B&Bs must only be used in extreme, emergency circumstances and for a very limited period of time, no more than a few days. (Paragraph 67)**

**Recommendation 5B: The DfE should require local authorities to report on their use of B&B accommodation for looked-after young people, to include the length of stay, the age of the young person and the reason for being placed there. (Paragraph 68)**

Statutory guidance is clear that bed and breakfast (B&B) accommodation is not suitable accommodation. No child below the age of 18 who comes into care should be placed in a B&B, and we know that the vast majority of 16- and 17-year-old looked-after children are, as they should be, placed with foster carers or in a children's home.

In the course of the Committee's inquiry and our consideration of the recommendations, we have reached a firm view that better understanding of the circumstances in which B&B placements are used is essential. We want to test further the arguments for and against the flexibility for local authorities to use B&B where it is the best way of meeting a young person's needs. Over the coming months, the Department for Education will undertake work with stakeholders to better understand these issues.

We will take forward that part of the Committee's recommendation which calls upon us to make a further clear statement about the duration of emergency placements in B&Bs. We will build on the principle that a B&B is unsuitable accommodation by amending guidance to make clear that emergency placements in B&Bs should be exceptional and limited to no more than two working days. We believe this strikes the right balance for now – setting clear expectations about the quality of support for young people, while retaining the

flexibility necessary to ensure that B&Bs can be used if it the best way to meet a young person's needs.

However, on the question of an outright ban, the Committee's report notes the potential risk involved, namely that situations may arise in which there is no emergency accommodation available for a young person. We have consulted the ADCS and LGA. They argue that an outright ban would be an unnecessarily blunt instrument, which would not allow flexibility to address very particular circumstances in the best interests of young people.

Having given the matter careful consideration, we will not take forward work towards an outright ban at the current time. However, we will continue to review practice, and we do not rule out the possibility of further action, including greater regulation.

We are also developing a more comprehensive and robust data collection system to understand the journey of a young person as they approach adulthood. In addition to our existing collection at age 19, we are collecting data on the number of care leavers at age 20 and 21 who are in B&B accommodation. From 2016, the department will also collect additional information on 17- and 18-year-old care leavers. This will enable us to identify the numbers of young people in B&Bs, and challenge local authorities where necessary. We will also explore further amendments to our data collections to include information specifically on how many looked-after children aged 16 and 17 are placed in B&Bs, so that we can monitor practice and take tough action where necessary.

Ofsted, as part of its new inspection framework, monitors local authority practice on this issue, and challenges poor practice where it finds this, for example asking East Sussex to "ensure that there is suitable and sufficient accommodation available for all vulnerable young people, to avoid the continued use of bed and breakfast provision as a last resort." It has also identified excellent practice, such as the improvements made in Hounslow. The report found that "in 2011–12, too many care leavers were not in accommodation that suited their needs (80% were in suitable accommodation) and were too often placed in bed and breakfast. Since the opening of further semi-independent accommodation with emergency access, no young people aged under-18 have been placed in bed and breakfast." We will continue to monitor Ofsted reports to identify any poor practice in this area, and we will take tough action where we find councils are routinely failing these vulnerable young people.

### **Staying Put**

**Recommendation 6: We recommend that the DfE remind local authorities of their duty to accept young people back into their care if a young person's decision to move to semi-independent living, leave care, or decline leaving care services proves to be premature. Local authorities should make young people aware of this option whenever they move to different levels of support and independence. (Paragraph 77)**

Statutory guidance makes clear that local authorities should always have a flexible approach to supporting their young people, and that includes the option for those 16- and 17-year-olds who have left care to return to more formal support if they want to. The department will work with the National Care Advisory Service's Leaving Care

Benchmarking Forum to consider how best to develop and disseminate best practice in this area. We have also raised this issue with the ADCS and LGA.

**Recommendation 7: We recommend that the DfE extend leaving care services to the age of 25 for all care leavers, regardless of whether they wish to return to education or training. (Paragraph 82)**

As the Committee notes, the government has taken steps to ensure that care leavers older than 21 receive continuing support from children's services where this is needed. That is why we changed the law to say that care leavers should continue to get the support of a PA until aged 25 if they are in training or education, or wish to return to either. In addition, Ofsted are now checking on the support provided to vulnerable care leavers aged 21-25 in their new inspection framework. To be judged as "good", local authorities have to show that care leavers are "encouraged and supported to continue their education and training, including those aged 21 to 24 years."

These changes have been very successful for some, but we accept that the new duty has not been working as it should for some care leavers who are not in education, employment or training (NEET). Some have too many problems to be able to attend college immediately; others need support to know how to access a course. Local authorities should be supporting these young people, but have not always done so. We have therefore strengthened the statutory guidance to say that local authorities should ensure that all their care leavers are aware of their entitlement to have support. More importantly, we have emphasised that those who are experiencing a number of difficulties in their lives should receive the encouragement and practical support they need to feel able to return to education or training.

However, we have reservations about the Committee's recommendation that leaving-care services should be extended to all care leavers up to the age of 25. There will be people in their mid-twenties who have already made a successful transition to adulthood, whose needs are better met from mainstream adult services. A blanket extension is therefore not necessarily the best use of inevitably finite children's services budgets.

That said, we do recognise that this is one of a number of areas in which the support offered to care leavers varies in a way that is not solely driven by the level of need. While the exact support provided will always vary according to circumstance, the government will consider over the coming months whether there is a need for greater consistency and coherence in the support offered to care leavers.

**Recommendation 8: We recommend that the DfE remind all local authorities of their statutory duty to postpone any unnecessary and disruptive placement change during Key Stage 4. (Paragraph 89)**

We have previously strengthened guidance on this issue, and the law is now clear that children should not normally be moved when they are in key stage 4.

We agree with the Committee that the time has come to remind local authorities of their responsibilities in this area. Accordingly, the Minister for Children and Families will be writing to Directors of Children's Services on this and other issues relevant to the education of looked-after children. We will send the Committee a copy of the letter. We



have also asked all virtual school heads and Independent Reviewing Officers to check their local procedures are compliant with their legal duties and for them to challenge poor local practice.

**Recommendation 9: We recommend a similar duty be introduced to ensure that a young person's transition out of care is also postponed until after the end of an academic year following a given birthday, including those decisions that are age-determined, where such a change is not the expressed choice of the young person. (Paragraph 89)**

Young people must, by law, leave care on their 18th birthday. We have no plans to amend the primary legislation in this area. However, we agree with the Committee that transition out of care is an important issue, and accordingly have strengthened statutory guidance in this area to say 'The local authority should not move a young person participating in a course of education during the academic year after their 18th birthday'. The updated guidance can be viewed at: [www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers](http://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers) (page 46).

**Recommendation 10: Young people living in residential children's homes should have the right to remain there beyond the age of 18, just as young people in foster care now have the right to Stay Put until the age of 21. We recommend that the DfE extend Staying Put to residential children's homes. (Paragraph 100)**

The government introduced a new duty on local authorities to support Staying Put arrangements, and has provided funding for local authorities to support this. However, whilst there is a principled argument that young people in successful residential care placements should similarly be able to stay put, extending this option to these placements raises a number of issues not just for the young people in question, but also others who may be living in the home.

That is not to say we are taking no action. We are working with the sector, and have provided funding from the Innovation Programme (to a partnership involving NCB, Who Cares? Trust, Barnardo's, Action for Children and the Together Trust) to develop models on how Staying Put or Staying Close could work in children's homes. It will put forward alternative approaches to providing effective support to young people in residential care beyond the age of 18. While we cannot accept this recommendation at this point, we are committed to finding the right way forward and will continue to work closely with the sector on this issue.

**Recommendation 11: We recommend that the DfE issue explicit guidance on young people's right to stay in 'other arrangements' until they are 21. (Paragraph 106)**

We have strengthened the legal framework so that local authorities have a duty to provide all care leavers with practical support, which includes helping them find and live in a safe and secure place until they are 21, or 25 if they are still in education or training. We have reviewed the wording of the guidance and believe that the statutory framework is clear.

The department is, in addition to collecting data on 19-year-old care leavers, collecting information at age 20 and 21. We will therefore know how many care leavers remain in

‘other arrangements’ up to age 21. Also, Ofsted inspect local authority performance in this area.

We will monitor this area closely, and if the statistics we collect or Ofsted reports and other feedback from young people indicate that they are not receiving the support they are entitled to, we will consider strengthening the statutory framework.

**Recommendation 12: We recommend that the DfE examine models such as ‘No Wrong Door’ in North Yorkshire. If they are shown to lead to improved outcomes for young people, the DfE should issue best practice guidance on a model of Staying Close. (Paragraph 108)**

We agree with the Committee that Staying Close and other innovative models bear further examination. The government has established the Innovation Programme to support local authorities to rethink their services for vulnerable young people, and to encourage the spread of effective practice. There are already proposals for new models of support for children leaving care, and the government and its delivery partner will look closely at these.

Through the Innovation Programme, we are providing more than £2 million funding to North Yorkshire County Council to develop its ‘No Wrong Door’ service. This will use highly-skilled teams based at two children’s homes to support up to 700 young people in or on the edge of care. It will provide a consistent, trusted relationship for those young people who stay in the homes, even after they move on to other placements or into supported accommodation. That team will continue to be available to provide help and advice to care leavers if they need it, and to work with housing providers to make the transition to independent living smoother. North Yorkshire will also work with a group of other interested authorities and care providers, to share their experience of developing this approach, and support others to adapt it in other locations.

Through the Innovation Programme, we are also providing a small grant to a consortium of organisations led by the NCB to explore different approaches to Staying Put and Staying Close for young people in residential care. This will include work to identify different support models that may be available, and consultation with young people in care about what types of support they most need.

## Summary of the government’s action

**Recommendation 1:** We welcome and accept the committee’s recommendation that young people should be fully and effectively informed of their rights and entitlements especially as they approach independence. We are currently strengthening the Care Planning, Placement and Case Review Statutory guidance so that social workers routinely make young people aware of information about rights and entitlements and not just on entry to care.

**Recommendation 2:** The guidance is sufficiently clear that the personal adviser is a function rather than a specific person who is appointed. While we appreciate the select committees report in helpfully raising the profile of this issue, the guidance already makes clear that the role can be delegated to others whom already have an established relationship with the young person.

**Recommendation 3:** The government accepts the committee's recommendation to make reference to siblings in the pathway planning guidance. We agree that it is essential for young people to encourage and sustain positive and stable family relationships and we have amended statutory guidance to reflect this.

**Recommendation 4:** Although we agree that the quality of supported accommodation varies across the country, we do not think new regulations would result in better accommodation and support. Ofsted's new framework now covers the quality of accommodation for care leavers and we will continue to monitor local authority's performance in this area.

**Recommendation 5A:** Statutory guidance is clear that bed and breakfast (B&B) accommodation is not suitable accommodation for 16- and 17-year-olds. We will take forward that part of the Committee's recommendation which calls upon us to make a further clear statement about the duration of emergency placements in B&Bs. We will amend guidance to make clear that emergency placements in B&Bs should be exceptional and limited to no more than two working days. We do not agree that a total ban is necessary at this stage. However, we will continue to review practice, and we do not rule out the possibility of further action, including greater regulation.

**Recommendation 5B:** We've recently started to collect better data for care leavers at aged 20 and 21; from 2016 we will start to collect data on 17- and 18-year-olds. This will enable us to identify the number of young people in B&B accommodation and challenge local authorities where necessary. We will also explore further amendments to our data collections to include information specifically on how many looked-after children aged 16 and 17 are placed in B&Bs.

**Recommendation 6:** The government accept the committee's recommendation to remind local authorities of their duty to accept young people back in their care should they require it. We will work with NCAS to identify and develop good practice, which will then be disseminated to local authorities.

**Recommendation 7:** We are grateful for the committee's acknowledgement of the progress the government has made to ensure care leavers older than 21 receive support from children's services, where it is needed. However the government does not see a blanket extension being the best use of finite children's services budget. While the exact support provided will always vary according to circumstance, the government will consider over the coming months whether there is a need for greater consistency and coherence in the support offered to care leavers.

**Recommendation 8:** We accept the committee's recommendation and agree that it is vital to postpone any unnecessary disruptive placement change during key stage 4. We will write to local authorities to reiterate this message and remind them of their responsibilities in this area.

**Recommendation 9:** The government agrees and accepts the committee's recommendation and we will amend statutory guidance to ensure that young people who are participating in a course of education should not be moved during the academic year following their 18<sup>th</sup> birthday.

**Recommendation 10:** The government recognises this is a very important issue and while we cannot accept this recommendation at this point we are committed to finding the right way forward. We are working closely with the sector and have provided funding through the Innovation Programme to develop models on how Staying Put or Staying Close could work in children's homes.

**Recommendation 11:** We have reviewed the wording in the guidance and believe the statutory framework is clear. While we will not be accepting the committee's recommendation at this time, we will monitor this area closely and if there is indication that young people are not receiving the support they are entitled to we will consider further strengthening of the statutory framework.

**Recommendation 12:** The government accepts the committee's recommendation and we are providing £2 million (through the innovation fund) to North Yorkshire County Council to develop its "No Wrong Door" service. North Yorkshire will also work with a group of other interested authorities and care providers to share their experience of developing this approach and support others to adapt it in other locations.